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**STAFF REPORT**  
**Committee of Adjustment**  
**Application**

<b>Date:</b>	Monday, June 16, 2014
<b>To:</b>	<b>Chair and Committee Members of the Committee of Adjustment North York District</b>
<b>From:</b>	Allen Appleby, Director, Community Planning, North York District
<b>Wards:</b>	Ward 23 (Willowdale)
<b>Reference:</b>	File No. B027/14NY, A264/14NY and A265/14NY Address: <b>144 KINGSDALE AVENUE</b> Application to be heard: Wednesday, June 25, 2014 at 10:00 a.m.

**RECOMMENDATION**

Should the Committee approve this Application for Consent, staff recommend that the approval be subject to the following conditions:

1. Confirmation of payment of outstanding taxes to the satisfaction of Revenue Services Division.
2. A draft Certificate of Official, as prescribed in O.Reg. 197/96 as Form 2 or 4 and in a form satisfactory to the Deputy Secretary-Treasurer, that includes a completed and registerable description of the land that is the subject of the consent, shall be submitted to the Deputy Secretary-Treasurer within one year of the date of the giving of notice of this decision.
3. Copies of a deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and clearly delineating the parcels of land approved by the Committee of Adjustment. A listing of the PARTS and their respective areas is required.
4. A copy of a letter from the Executive Director of Technical Services advising that the applicant has obtained the necessary adjustment to the municipal addressing of the land. Contact Survey and Mapping Services, Technical Services at (416) 392-7755. The application for municipal addressing must be accompanied by a copy of the deposited Reference Plan of Survey, integrated with the Ontario Co-ordinate System, and specify the PART numbers that will comprise each of the new parcels.
5. This Decision shall become null and void within 12 months unless the Certificate of the Committee of Adjustment is affixed to the relevant documents.
6. Applications for Minor Variance should be tied to the approval of the application for Consent.

Should the Committee approve the Applications for Minor Variance, staff recommend that the approval be subject to the following conditions:

**A264/14NY- 144 KINGSDALE AVENUE (PART 1)**

1. The subject property to be developed in accordance with the revised variances outlined in the report.
2. The subject property to be developed in accordance with the east elevation drawing, date stamp received by the City of Toronto Planning Division, June 13, 2014.

**A265/14NY- 144 KINGSDALE AVENUE (PART 2)**

1. The subject property to be developed in accordance with the revised variances outlined in the report.
2. The subject property to be developed in accordance with the west elevation drawing, date stamp received by the City of Toronto Planning Division, June 13, 2014.

## **APPLICATION**

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### **THE CONSENT REQUESTED:**

The applicant is proposing to sever the property into two undersized residential lots. The lands concerned have a lot frontage of 19.81 metres fronting onto the north side of Kingsdale Avenue, which is rectangular in shape, having a depth of 37.19 metres and an area of 736.8 m<sup>2</sup>. The lands presently contain a single detached dwelling municipally known as 144 Kingsdale Avenue. The existing single detached dwelling would be demolished and a new two-storey dwelling is proposed to be constructed on each of the resulting lots.

Parts 1 and 2 on the plan attached to this notice would each have a lot frontage of 9.91 metres onto the north side of Kingsdale Avenue. Parts 1 and 2 will each have a lot area of 368.4 m<sup>2</sup>.

This application is being considered in conjunction with Minor Variance Applications A264/14NY and A265/14NY.

### **REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:**

**A264/14NY- 144 KINGSDALE AVENUE (PART 1)**

1. Section 10.20.30.10.(1), By-law No. 569-2013  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 368.4m<sup>2</sup>.
2. Section 10.20.30.20.(1), By-law No. 569-2013  
The minimum required lot frontage is 15.0m.  
The proposed lot frontage is 9.91m.
3. Section 10.20.30.40.(1), By-law No. 569-2013  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 33.3% of the lot area.

4. Section 10.20.40.10.(2), By-law No. 569-2013  
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5m.  
The proposed height of the side exterior main walls facing a side lot line is 9.44m.
5. Section 900.3.10.(5), By-law No. 569-2013  
The minimum required side yard setback is 1.8m.  
The proposed east side yard setback is 0.76m.
6. Section 900.3.10.(5), By-law No. 569-2013  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 1.22m.
7. Section 10.20.40.10.(6), By-law No. 569-2013  
The maximum permitted height of the first floor above established grade is 1.2m.  
The proposed height of the first floor above established grade is 2.09m.
8. Section 10.5.40.70.(1)(B), By-law No. 569-2013  
The minimum required front yard setback is 7.8m.  
The proposed front yard setback is 7.3m.
9. Section 13.2.4, By-law No. 7625  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 33.3% of the lot area.
10. Section 13.2.3(b), By-law No. 7625  
The minimum required side yard setback is 1.8m.  
The proposed east side yard setback is 0.76m.
11. Section 13.2.3(b), By-law No. 7625  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 1.22m.
12. Section 13.2.1, By-law No. 7625  
The minimum required lot frontage is 15m.  
The proposed lot frontage is 9.91m.
13. Section 13.2.2, By-law No. 7625  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 368.4m<sup>2</sup>.
14. Section 13.2.6, By-law No. 7625  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.65m.
15. Section 6(30)a, By-law No. 7625  
The maximum finished first floor height is 1.5m.  
The proposed finished first floor height is 2.04m.
16. Section 6(8), By-law No. 7625

The minimum required lot width is 15m.  
The proposed lot width is 9.91m.

**A265/14NY- 144 KINGSDALE (PART 2)**

1. Section 10.20.30.10.(1), By-law No. 569-2013  
The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 368.4m<sup>2</sup>.
2. Section 10.20.30.20.(1), By-law No. 569-2013  
The minimum required lot frontage is 15.0m.  
The proposed lot frontage is 9.91m.
3. Section 10.20.30.40.(1), By-law No. 569-2013  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 33.3% of the lot area.
4. Section 10.20.40.10.(2), By-law No. 569-2013  
The maximum permitted height of all side exterior main walls facing a side lot line is 7.5m.  
The proposed height of the side exterior main walls facing a side lot line is 9.40m.
5. Section 10.20.40.10.(6), By-law No. 569-2013  
The maximum permitted height of the first floor above established grade is 1.2m.  
The proposed height of the first floor above established grade is 1.98m.
6. Section 900.3.10.(5), By-law No. 569-2013  
The minimum required side yard setback is 1.8m.  
The proposed east side yard setback is 1.22m.
7. Section 900.3.10.(5), By-law No. 569-2013  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 0.76m.
8. Section 13.2.4, By-law No. 7625  
The maximum permitted lot coverage is 30% of the lot area.  
The proposed lot coverage is 33.3% of the lot area.
9. Section 13.2.3(b), By-law No. 7625  
The minimum required side yard setback is 1.8m.  
The proposed east side yard setback is 1.22m.
10. Section 13.2.3(b), By-law No. 7625  
The minimum required side yard setback is 1.8m.  
The proposed west side yard setback is 0.76m.
11. Section 13.2.1, By-law No. 7625  
The minimum required lot frontage is 15m.  
The proposed lot frontage is 9.91m.
12. Section 13.2.2, By-law No. 7625

The minimum required lot area is 550m<sup>2</sup>.  
The proposed lot area is 368.4m<sup>2</sup>.

13. Section 13.2.6, By-law No. 7625  
The maximum permitted building height is 8.8m.  
The proposed building height is 9.66m.

14. Section 6(30)a, By-law No. 7625  
The maximum finished first floor height is 1.5m.  
The proposed finished first floor height is 2.11m.

## COMMENTS

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The subject property is located east of Yonge Street and north of Sheppard Avenue East. The property is designated *Neighbourhoods* in the Toronto Official Plan. *Neighbourhoods* are considered to be stable areas. However, the Official Plan recognizes that *Neighbourhoods* are not static, meaning there will be change in these areas. Physical changes are expected to occur within these areas, in the form of enhancements, additions, and infill housing. Development within *Neighbourhoods* will respect and reinforce the existing physical character of buildings, lot sizes, streetscapes and open space patterns in these areas.

Policy 4.1.5 of the Official Plan outlines development criteria for established *Neighbourhoods*. Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the area with regard to:

- b) Size and configuration of lots

The Plan affirms that no changes will be made with respect to rezoning, minor variance, consent or other public action that are not in keeping with the physical character of the neighbourhood.

The subject property is zoned R4 in the former City of North York By-Law No. 7625, as amended, and RD (f15.0; a550)(x5) in the City of Toronto By-law No. 569-2013. Under these zoning designations, a minimum lot frontage and width of 15 metres and a lot area of 550 square metres is required. The objective of the Zoning By-Law is to establish specific standards as to how land is developed. Requirements for frontage and area are intended to ensure adequate densities within *Neighbourhoods* and to achieve more uniform and consistent built form streetscapes to maintain a standard pattern of development.

The applicant is requesting consent to sever the subject property into two undersized residential lots, and minor variances to facilitate one new detached dwelling on each of the proposed lots. Planning staff note that similar applications for the subject property were refused by the Committee of Adjustment on June 9, 2005, and subsequently approved by the Ontario Municipal Board on January 17, 2006. However, conditions for the approval were not fulfilled within the prescribed one-year time period, and as a result, the approval for the consent lapsed.

The applicant has informed staff that a number of changes have been made to the minor variance applications, and they are as follows:

A264/14NY – 144 Kingsdale Avenue, Part 1:

- Variances Nos. 3 and 9 for lot coverage have been **reduced** from 33.3% to 32%.
- Variances Nos. 5 and 10 for east side yard setback have been **increased** from 0.76 to 0.91 metres.
- Variance No. 7 for first floor height under By-law No. 569-2013 has been **removed**.
- Variance No. 4 for side exterior main wall height has been **reduced** from 9.44 metres to 8.81 metres.

A265/14NY – 144 Kingsdale Avenue, Part 2:

- Variances Nos. 3 and 8 for lot coverage have been **reduced** from 33.3% to 32%.
- Variances Nos. 7 and 10 for west side yard setback have been **increased** from 0.76 to 0.91 metres.
- Variance No. 5 for first floor height under By-law No. 569-2013 has been **removed**.
- Variance No. 4 for side exterior main wall height has been **reduced** from 9.40 metres to 8.75 metres.

The applicant is requesting side exterior main wall height variances of 8.81 and 8.75 metres for the proposed dwellings on Parts 1 and 2 on the plan, respectively. Planning staff have reviewed the submitted drawings and note that these variances are attributed to gables on the east and west sides of the proposed dwellings. To ensure that the requested main wall height variance remains applicable only to the portion of wall containing gables, Planning staff recommend that approval be subject to the proposed dwellings being built in accordance with the revised east and west elevation drawings submitted on June 13, 2014.

Planning staff have no concerns with the applications and recommend that approval be subject to the above-noted conditions.

Respectfully submitted,

**CONTACT**

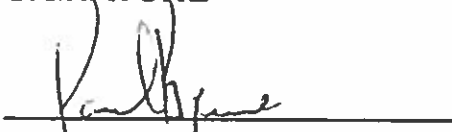
Carla Tsang, Assistant Planner

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**SIGNATURE**



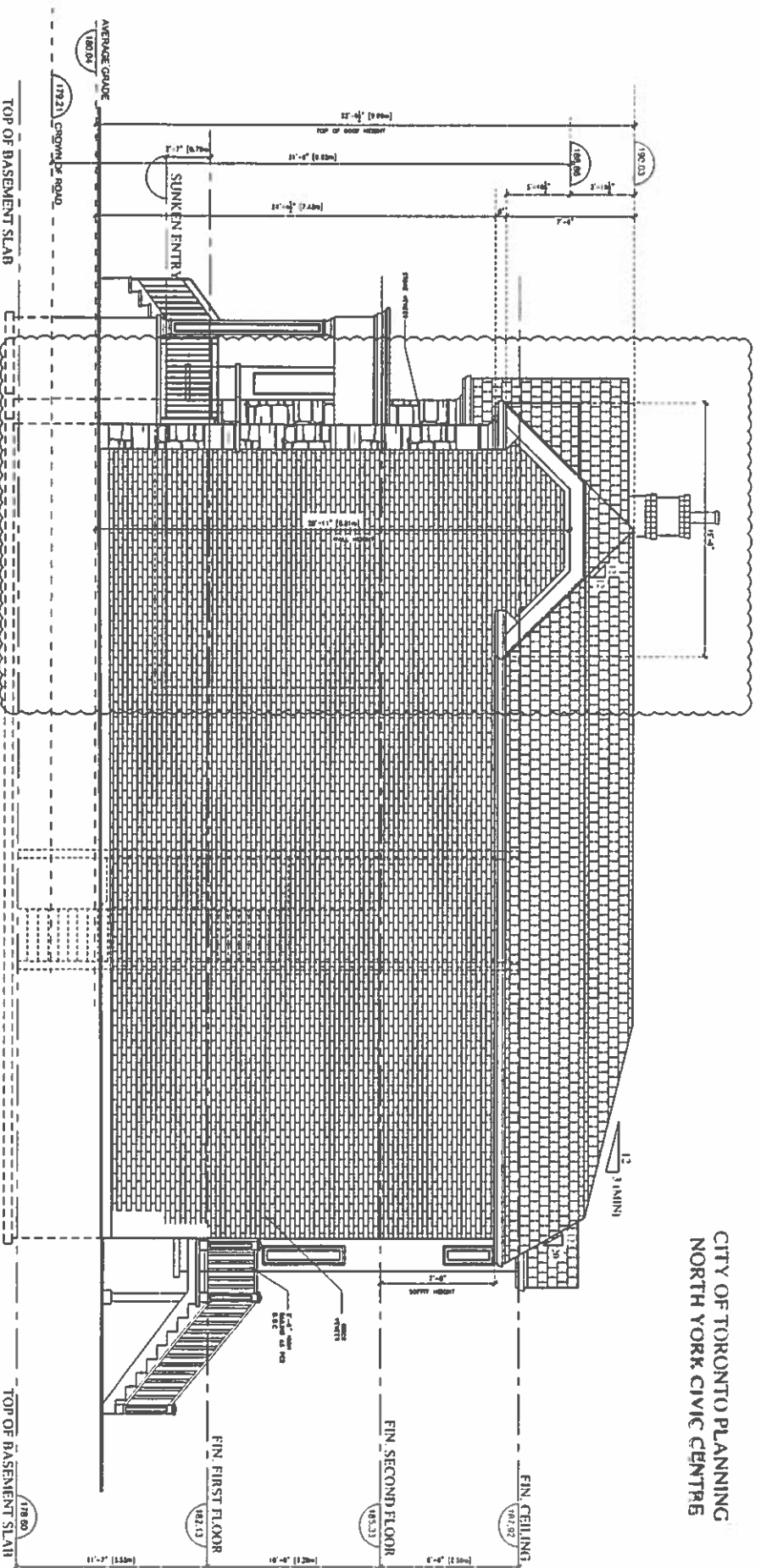
*for* Allen Appleby  
Director, Community Planning, North York District

B027/14NY, A264/14NY and A265/14NY – 144 KINGSDALE AVENUE

RECEIVED

JUN 13 2014

CITY OF TORONTO PLANNING  
NORTH YORK CIVIC CENTRE



**R**ubinfoff Design Group  
2201 - A Yonge Street  
Toronto, Ontario M4M 2G9  
Tel: 416-977-7222 Fax: 416-977-7221  
www.rubinfoffdesign.com

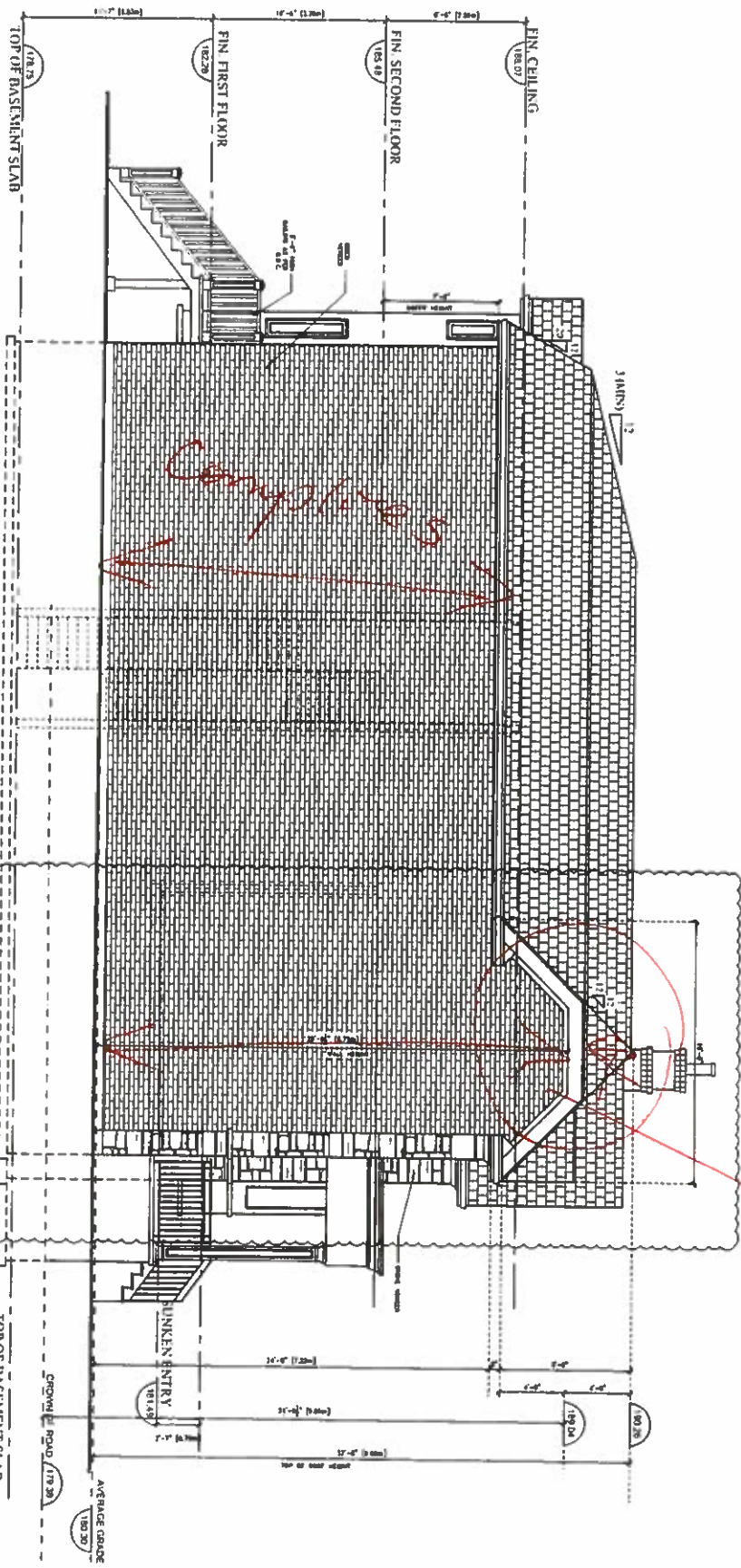
144 KINGSDALE AVE.  
SCALE: 1/4" = 1'-0" MORE 2014

RIGHT SIDE ELEVATION  
144 A KINGSDALE AVE

RECEIVED

JUN 13 2014

CITY OF TORONTO PLANNING  
NORTH YORK CIVIC CENTRE



*Completed*

*Fixed Panels*

**LEFT SIDE ELEVATION**

144 B KINGSDALE AVE.

**Rubinoff Design Group**  
3201 - A Yonge Street,  
Toronto, Ontario M5M 2K9  
Tel: 416-977-1611 Fax: 416-977-1700  
**144 KINGSDALE AVE.**  
SCALE 1/2" = 1'-0" JUNE 2014